



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 10, 1992

Ms. Annette Jones  
Police Legal Advisor  
City of Waco, Legal Services  
P. O. Box 2570  
Waco, Texas 76702-2570

OR92-637

Dear Ms. Jones:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 16518.

The Waco Police Department (the "police department") has received a request for information relating to its criminal investigation of a certain person. The requestor seeks

any and all public records with regard to the investigation of the criminal activities of, complaints filed or contemplated, charges filed or contemplated, arraignment, arrest effected or contemplated, bonding for release from jail, and release from jail of BEULAH R. MASON for the period six months prior to this request to the date of this request.

You advise us that some of the requested information has been made available to the requestor. You claim, however, that the remaining information is excepted from required public disclosure by sections 3(a)(3) and 3(a)(8) of the Open Records Act.

Section 3(a)(8) of the act excepts:

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

Where an incident involving allegedly criminal activity is still under active investigation or prosecution, section 3(a)(8) may be invoked by any proper custodian of information which relates to the incident. Open Records Decision No. 474 (1987) at 4-5.

The McLennan County District Attorney's Office advises us that the requested information relates to pending criminal prosecution. We have examined the documents submitted to us for review and conclude that, except for first page offense report information identified as available to the public in Open Records Decision No. 127 (1976), the requested information may be withheld under section 3(a)(8) of the Open Records Act. As we resolve this matter under section 3(a)(8), we need not address the applicability of section 3(a)(3) at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-637.

Yours very truly,

A handwritten signature in black ink, appearing to read "Steve Aragón", with a stylized flourish at the end.

Steve Aragón  
Assistant Attorney General  
Opinion Committee

SA/GCK/lmm

Ref.: ID# 16518

cc: Mr. Tom Blankenship  
Route 8, Box 1314  
Waco, Texas 76705